

Appln No. 09/452,043

Amdt date September 19, 2003

Reply to Office action of July 2, 2003

REMARKS/ARGUMENTS

Claims 1-35, 68-103 and 136 are pending in this application. Applicants have amended claims 1, 12-19, 35, 68-69, 80, 103 and 136 and cancelled claims 36-67 and 104-135, without prejudice in response to the restriction requirement dated May 12, 2003. In view of the above amendments and following remarks, applicants respectfully submit that the application is in condition for allowance. Applicants therefore, respectfully request reconsideration and allowance of the application.

The Examiner rejected claims 1-4, 6, 8-14, 16-22, 25, 26, 28-29, 31, 32, 35-72, 74, 76-82, 84-90, 93, 94, 96, 97, 99, 100, 103, and 136 under 35 U.S.C. 103(a) as being unpatentable over Wilson (U.S. Patent 6,169,734) in view of Kondo et al. (U.S. Patent 5,130,985). The Examiner admits that Wilson does not disclose a prioritization circuit coupled to apply prioritization to voice data provided by a network switch. The Examiner alleges however, that Kondo et al. discloses a speech packet communication system having a prioritization circuit coupled to apply prioritization to voice data. The Examiner further alleges it would have been obvious to one of ordinary skill in the art to modify the system of Wilson, by using the features, as taught by Kondo et al., in order to provide a low probability that the speech signal will be absent continuously. Applicants respectfully traverse this rejection.

Independent claim 1 recites a network telephone comprised in part by a "prioritization circuit coupled to apply a first processing priority level to voice data provided by the microphone and a second processing priority level to non-voice

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data." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather, Kondo et al. discloses a voice packet communication system where an "encoded speech signal is divided into the most significant bits indicative of the characteristic portion of a voice in the speech signal and the least significant bits indicative of an auxiliary portion of the voice. The most and least significant bits are given respective bits indicative of predetermined priorities." (Kondo et al., col. 7, lines 41-47). For example, a "low priority is assigned to both of the most and least significant packets in a silent portion of the speech signal. Therefore, even if a transit node in a high traffic state discards a packet assigned low priority, a deterioration in a reproduced speech quality is minimized." (Kondo et al., col. 5, lines 26-31).

Thus the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Kondo et al. does not however disclose or suggest applying a first processing priority level to voice data provided by the microphone and a second processing priority level to non-voice data as recited in claim 1 of the present invention. Accordingly, applicants respectfully submit that claim 1 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 2-11 that depend directly or indirectly from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

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Similarly. independent claim 12 recites a network telephone comprised in part by "a switch controller having at least one port for facilitating electrical communication with a network, wherein the switch controller is configured to assign a first processing priority level to voice data and a second processing priority level to non-voice data..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo et al. prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 12 recites a novel and unobvious apparatus over the cited references and is therefore allowable. Applicants further submit that claims 13-34 that depend directly or indirectly from claim 12 are allowable as is claim 12 and for additional limitations recited therein.

Further independent claim 35 recites a network telephone comprised in part by "a prioritization circuit coupled to tag voice data packets with information representative of a priority thereof to ensure that the voice data packets are given a higher processing priority than non-voice packets..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 35

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recites a novel and unobvious apparatus over the cited references and is therefore allowable.

In addition, independent claim 68 recites a network telephone system comprised in part by "network switch coupled to assign a first priority level to voice packets and a second priority level to non-voice packets..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 68 recites a novel and unobvious apparatus over the cited references and is therefore allowable.

Similarly, independent claim 69 recites a method for communicating voice via a network comprised in part by "prioritizing voice data provided by the microphone over non-voice data." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 69 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 70-79 that depend directly or indirectly from claim 69 are allowable as is claim 69 and for additional limitations recited therein.

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In addition, independent claim 80 recites a method for "using a switch controller having at least one port to facilitate electrical communication with a network, wherein the switch controller is configured to prioritize processing of voice packets over non-voice packets..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 80 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 81-102 that depend directly or indirectly from claim 80 are allowable as is claim 80 and for additional limitations recited therein.

Further, independent claim 103 a method for communicating voice via a network comprised in part by "tagging voice packets with information representative of a priority thereof to ensure the tagged voice packets are given a higher processing priority than non-voice packets..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 103 recites a novel and unobvious method over the cited references and is therefore allowable.

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In addition, independent claim 136 recites 136. a method for communicating voice comprised in part by "applying a higher prioritization to voice packets than non-voice packets to ensure that the voice packets are given a higher processing priority than the non-voice packets..." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 136 recites a novel and unobvious method over the cited references and is therefore allowable.

It is therefore respectfully submitted that pending claims 1-35, 68-103 and 136 are in condition for allowance, and an early notice of allowance is respectfully requested.

Respectfully submitted,  
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